

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY
as Administrator for RELIANCE
INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF
NEW YORK AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR
SPECIALTYCHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION
FIRE INSURANCE COMPANY OF PITTSBURGH, PA;
UNITED STATES FIRE INSURANCE COMPANY;

Case No. 07-CV-6915 (DLC)
ECF CASE

**ANSWER TO
BARTEC INDUSTRIES,
INC.'S CROSS-CLAIM**

ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.:
f/k/a COMMERCIAL UNDERWRITERS INSURANCE :
COMPANY; ZURICH AMERICAN INSURANCE :
COMPANY d/b/a ZURICH INSURANCE COMPANY; :
OHIO CASUALTY INSURANCE COMPANY d/b/a :
OHIO CASUALTY GROUP; HARLEYSVILLE :
MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); :
JOHN DOES 1-20 AND XYZ CORPS. 1-20, :

Fourth-Party Defendants. :

Zurich American Insurance Company (“Zurich”), sued incorrectly herein as Zurich American Insurance Company d/b/a Zurich Insurance Company, by its attorneys Melito & Adolfsen P.C., answers the Cross-Claim of Fourth Party Defendant Bartec Industries, Inc. (“Bartec”), upon information and belief as follows:

1. Zurich denies the truth of the allegations contained in paragraph “41” of Bartec’s Answer to Fourth-Party Complaint with Cross-Claims and Counterclaim (“the Cross-Claim”) to the extent those allegations are directed against Zurich, denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations and refers all questions of law to the Court.

2. Zurich denies the Cross-Claim asserted by Bartec in its entirety and, to the extent applicable, incorporates its affirmative defenses as set forth in its Answer to the Fourth Party Complaint.

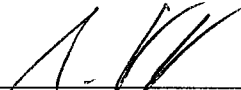
WHEREFORE, Zurich demands judgment:

- (1) Dismissing with prejudice Bartec’s Cross-Claim against Zurich in its entirety; or
- (2) Awarding Zurich its costs and attorneys’ fees incurred in the defense of this Cross-Claim; and

(3) Granting Zurich such other and further relief as this Court may deem just and proper.

Dated: New York, New York
February 21, 2008

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